

MINUTES

CHARTER REVIEW COMMISSION
MAY 15, 2006

CHARTER COMMISSION:	District 1	Tom Boyko Jane Hammontree
	District 2	John Horan Sid Miller Linda Dietz
	District 3	Grant Maloy Chairman Ben Tucker
	District 4	Paul Lovestrand Earl McMullen
	District 5	Ashley Johnson Jeff Triplett Vice Chairman Egerton van den Berg
ABSENT:	District 1	Richard Harris
	District 3	Pam Ohab
	District 4	Larry Furlong
ATTENDEES:		DCM Don Fisher
		Chief Deputy Clerk Bob Lewis (late)
		Eva Roach, Deputy Clerk

The following is a non-verbatim transcript of the **CHARTER REVIEW COMMISSION MEETING**, held at 6:35 p.m. on Monday, May 15, 2006, in Room 3024 of the Seminole County Services Building at Sanford, Florida.

Ms. Hammontree gave the Invocation and led the Pledge of Allegiance.

NEXT SCHEDULED MEETING

Chairman Tucker stated he would like to discuss the procedures they want to have for the public hearing on May 30, 2006. He noted that the May 30 hearing will be a public hearing and not a public debate and the CRC will only want to hear the citizen's opinion.

Upon inquiry by Mr. Miller, Chairman Tucker advised he would recommend a three minute limit for each individual to

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speaking on each topic. He stated the CRC will hear each individual's input and they will ask them not to be repetitive. At the end of the agenda, the CRC will close the public hearing and if the Commission want to discuss any of the issues, they can do that.

Chairman Tucker explained to Ms. Dietz what would happen if someone wanted to ask a question.

Chairman Tucker explained to Mr. Horan how they handle an issue if the CRC wants to pose a question to individuals speaking.

Upon inquiry by Mr. Boyko, Chairman Tucker advised at the first public hearing, if someone comes in with a golden gem of what they want to do, the CRC may want to discuss that and then implement a fourth public hearing.

Mr. McMullen stated he would like a 5-minute limitation for each individual to speak.

Chairman Tucker recommended announcing a three-minute limit and then be flexible if they need more time.

Mr. Lovestrand stated if people are prepared with a written statement, they can do it in three minutes, but if they are not prepared, they will need more time. He stated he would recommend going with the three-minute limitation.

Mr. Horan stated he would be inclined to set it at three minutes and then leave it up to the Chairman if they need more time.

Mr. Triplett stated he would recommend not having a set time limit.

Chairman Tucker stated the public hearings will begin at 7:00 p.m.

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Upon inquiry by Mr. Miller, Chairman Tucker advised he feels it would be fair to allow everyone to talk on each item.

Mr. Triplett stated he would want to have a full say and not be cut off midway.

Mr. Horan stated he feels they need to leave it up to the Chairman and if one or more of the CRC feel that the Chairman is cutting someone off, then, they can make a motion.

Chairman Tucker stated in looking at the other hearings that go on, he feels the citizens will want to say a lot of things, therefore, they will start with three minutes for each issue. Discussion ensued relative to how they are going to handle discussion of each issue and speaker request forms being provided.

Attorney Yurko asked if the CRC wanted to have the ability at the end of the first public hearing to have general public comments and suggestions other than the agenda items. She stated at that point the CRC will have the ability to do the full public hearing to meet the three hearing requirement. Discussion ensued relative to the limitation of the public speaking.

Upon inquiry by Mr. Fisher, Chairman Tucker advised that the CRC would like the general public comments and suggestions listed on the agenda. He stated that should be listed last on the agenda.

Upon inquiry by Mr. Miller, Chairman Tucker advised after public comments the CRC will close the public hearing, then they can discuss the issue if need be.

Chairman Tucker explained what would happen if the public brings up a new amendment.

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Attorney Yurko stated in terms of the CRC's prerogative of the ballot language, she looked at the Seminole County amendments. She stated once they finish the first public hearing, the CRC will see a different format than what they have been seeing and there will be a separate provision in there for ballot language. The ballot language is an independent exercise of getting to 75 words and how they will get notice to the voters. Her experience was that it would be better to wait until after they were done with the public hearings and then adopt the amendments to do the ballot language. She stated if the CRC does that separately, they will either adopt the amendments after the last public hearing or push it the same day as the ballot language. She said she would recommend that if the CRC wanted to divorce the ballot language from the adoption issue, the CRC would have to vote to adopt the amendments after the last hearing. A copy of the public hearing schedule was received and filed.

Chairman Tucker stated assuming there will be no new issues, they are looking at scheduled meetings for May 30, June 14, June 29, and July 17. He stated the CRC would vote on the final wording on June 29, 2006.

Upon inquiry by Mr. van den Berg, Attorney Yurko advised the CRC can make the July 17 meeting for the purpose of adopting the ballot language and then have the amendments adopted prior to that.

Upon inquiry by Mr. Maloy, Attorney Yurko advised the July 17, 2006 meeting would be the appropriate time to do the titles.

Mr. Horan stated it appears that the ballot will have a 15 word title and a 75 word summary.

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Attorney Yurko stated that is why they have to be careful about doing each of the amendments separately.

ETHICS

Attorney Yurko submitted a final draft (received and filed) and stated this draft has some revisions that Mr. van den Berg provided. She stated she replaced the sentence in Section D, with "the foregoing provision shall supersede Section 3.1 herein to the extent of any conflict." She said she feels that Section B.e. dealing with the disclosure, ownership and title should stand on its own. It would be logical to group Section B.b. and f. together as f. deals with a generic statement that no official shall attempt to influence the outcome of matter coming before his or her agency. She stated b. deals with a more specific issue of undue influence as it relates to gifts. Section B.a., c. and d. will be grouped together. She added those sections deal with not working for an official if they are running for office, the tax certificate issue and the elected officer acting as a lobbyist.

Upon inquiry by Mr. Horan, Attorney Yurko stated they need to be careful about slamming six more issues when they can probably do less.

Mr. Fisher stated he doesn't know this is a decision the CRC needs to make now. He stated he thinks they can hold the public hearings to see what comes out of it and then when they reconvene for the ballot language it can be separated at that time.

Attorney Yurko stated the way she will draft these is to do them as three.

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Mr. van den Berg questioned about the intent of sentence three in Section B.d., "election of any Official who is running for public office in a Seminole County-wide election".

Attorney Yurko stated she feels they need to delete the words "in a Seminole County-wide election" and place a period after "running for public office".

Discussion ensued relative to whether or not it is lawful for the CRC to pass an amendment telling someone what they can or cannot do for compensation outside their employment.

PRIVATE PROPERTY RIGHTS

Attorney Yurko updated the CRC on the private property rights issue. She stated the legislation amended Chapter 163 by doing away with the ability of a community redevelopment agency to have eminent domain authority delegated to it. It also specifically requires that you cannot use the elimination of a slum or blighted area or the preservation or enhancement of the tax base as reasons that are public purposes for eminent domain. In addition to that, the Legislature amended Chapter 73 and that says you cannot have a subsequent conveyance of property taken by eminent domain to a private party except in very limited circumstances. That is if you have a common carrier, a public utility, an incidental part of a lease of public property for the purpose of providing fiscal services to the public to a private party, but only after 10 years have lapsed and there is no public purposes and there is public bidding. The person that had the property taken away from them 10 years earlier has the ability to repurchase the property at the price that the local government bought it. It is almost impossible to have this conveyed to a private party. The bill is effective upon becoming a law. It allows the property owner to concede to the

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taking in order to retain federal income tax benefits. A property owner can say they do not care about the restrictions and they can opt out of the restrictions. The proposed charter amendment is substantially moot and it is possibly inconsistent with the general law. When they amended Section 73 it carved out those limited exceptions that specifically said not withstanding any general law or charter amendment to the contrary. The Legislature contemplated that someone could come in by charter to try to bury this. Summary sheet of points on property rights bill was received and filed.

Upon inquiry by Chairman Tucker, Attorney Yurko advised she would encourage the CRC not to bring the issue forward.

Motion by Mr. Triplett, seconded by Mr. Horan to not move forward with the private property rights issue.

Mr. Maloy stated the reason why he would like to see this go to public hearing is the County has in their Charter a provision relating to casino gambling where it is a backup if the State legalizes it. He said he would like to know more about this and get public input on it. He stated the Charter Review Commission meets every six years and the State Legislature meets every year and it seems to him that they may take away the protection for private property rights. He said he would be interested in having something on the books in case the State Legislators change their minds.

Upon inquiry by Chairman Tucker relative to writing it so there could be a backup, Attorney Yurko advised her concern is trying to tweak it with a charter amendment during the eleventh hour.

Mr. Horan stated there was a lot of discussion at the beginning of this process that there were moving targets being

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created by all the different movements in the Legislature and locally to propose certain provisions. He stated he thought it was going to be extremely difficult to draft something, but he thinks what they drafted is great. The fact that the Legislature mooted everything the CRC does is a testament to how good a job they did. He added he is surprised that the Legislature did an extensive depth of a rewrite and it goes to show how powerful private property right interests were in the Florida Legislature. He said he feels the Legislature has moved properly to protect the interest of the people.

A roll call vote on the motion was taken with Mr. Horan, Ms. Dietz, Mr. Miller, Ms. Johnson, Mr. van den Berg, Mr. Tucker, Ms. Hammontree and Mr. Triplett voting AYE. Mr. McMullen, Mr. Lovestrand, Mr. Boyko, and Mr. Maloy voted NAY.

FINANCIAL FUNCTIONS, AUDITING AND AUDIT COMMITTEE

Amendments for the Creation of the Audit Committee, Audit of Constitutional Officers and Clerk Function were presented.

Ms. Johnson stated Amendment #1 reflects changing the members of the committee.

Motion by Ms. Johnson, seconded by Ms. Hammontree to approve Amendments 1, 2, and 3 of the Financial Functions, Auditing and Audit Committee.

Under discussion, Mr. van den Berg stated the third line in Section One of Amendment 1 comprises of a total of seven members and that needs to come out. He stated the alternative is either a five or seven person committee.

Attorney Yurko stated that was an oversight and it will come out.

Mr. Horan stated if he can remember correctly, he believes the vote of the majority was not just amendment one but the

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other two as well and there was going to be a continual honing of the language.

Chairman Tucker stated he recollects that they had it either five or seven depending on if amendment two didn't pass.

Attorney Yurko stated they do not need it in there.

Mr. Horan stated there are no changes to amendments two and three.

Mr. van den Berg asked if they find changes that need to be considered, can they bring it up at the next meeting.

Upon inquiry by Chairman Tucker, Attorney Yurko advised the CRC can bring it up after the public hearing. It will be put in the amendment form anyway.

Chairman Tucker recessed the meeting at 7:35 p.m., reconvening at 7:45 p.m., with Mr. Triplett and Attorney Yurko entering late.

A roll call vote on the motion was taken with all members present voting AYE.

ESTABLISHING COMMISSION SALARIES BY ORDINANCE

Mr. Maloy stated he believes the title is inaccurate as the BCC's salaries must be set by ordinance already. There were previous discussions about the State formula and how it was based on population. What they came up with in the language was the 3% or the CPI would be the maximum it could be increased and it has to be voted on by the Commissioners.

Chairman Tucker stated he recalls the CRC spoke primarily on increases and the increase would not exceed the CPI.

Mr. Lovestrand recommended adding the word "annually".

Mr. Maloy stated he feels they would have to do it annually the way it is written.

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Mr. van den Berg stated if something is adopted by ordinance, it is a public hearing with notice.

Motion by Mr. Miller, seconded by Mr. Horan to approve the amendment establishing commissioner salaries by Ordinance.

A roll call vote was taken on the motion with Mr. Horan, Mr. McMullen, Ms. Dietz, Mr. Miller, Ms. Johnson, Mr. Lovestrand, Mr. Boyko, Mr. Maloy, and Ms. Hammontree voting AYE. Mr. van den Berg and Mr. Tucker voted NAY.

Attorney Yurko and Mr. Triplett reentered the meeting at this time.

**ESTABLISH REQUIREMENTS FOR WHEN
THE BCC AMENDS THE CHARTER**

Mr. Horan reviewed the proposed amendment (received and filed) establishing requirements for when the BCC amends the Charter. He stated the proposed amendment would add a public hearing requirement to amendments proposed by the BCC and is similar to the public hearing requirement the Charter Review Commission has in years the CRC has not reconvened. He said the logic is the existing Charter says that the proposed amendments have to be submitted to the BCC and then forwarded to the Supervisor of Elections no later than 90 days before the General Election. The Charter provides that they have to hold three public hearings with no less than 10 days notice or no more than a 20 day notice. The Charter also provides that amendments proposed by the BCC can be proposed simply by ordinance and it can be adopted after 10 days notice. This process allows the BCC time to review the work that the CRC has done and then they can propose alternative amendments. Since the practical deadline for submitting amendments to the Supervisor of Elections for inclusion on the General Election ballot is September 9, it is apparent that the Charter was set up to allow

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the BCC the second look of what the CRC has done. He stated this process concerns him that the CRC worked in good faith for nine months and then their work could be nullified by amendments proposed by the BCC. It was pointed out to him that the short time period involved for proposing charter amendments by the BCC did not allow sufficient time for public input on matters complex and enduring as a Charter amendment. He stated he would like to remove the backstop that the BCC has on the work that the CRC does, and propose a public hearing requirement that would remove that, and also in the years the CRC has not been convened to add a public hearing process. However, after seven months of being involved in the process, he is convinced that the opportunity for the BCC to propose amendments subsequent to submission of the CRC amendments is an important check on the power they exercise. In the years that the CRC has convened, it is apparent that they have had enough public meetings and public hearings so they don't have to impose on the BCC an additional set of public hearings. But in the years the CRC does not convene, it seems to him that the amendments proposed by the BCC should be subject to the same number of public hearings and amendments proposed by the CRC. The BCC can only propose amendments at a General Election. He said he feels that in order to honor the original intent of the Charter, they need to have the BCC as a backstop to what they do and to serve as a check and balance on their power. He added the proposed amendment basically states that "except in years when a CRC has been convened that amendments proposed by ordinance and enacted by the BCC have the same three public hearing requirements as the CRC has for their amendments. However, in the years the CRC has convened, that the BCC amendments can be proposed by an

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ordinance." He stated he feels it would make the Charter stronger procedurally and it will give the public more input in the years when a CRC has not convened. He added he believes that there needs to be more than 10 days notice on BCC proposed amendments.

Discussion ensued between Mr. Miller, Mr. Triplett and Mr. Horan relative to the BCC changing the amendments based on the input from the public hearings and the reason why the BCC should hold three public hearings.

Motion by Mr. Horan, seconded by Mr. McMullen to adopt the proposed amendment establishing requirements for when the BCC amends the Charter, as written, and bring it back for the public hearings.

Under discussion, Mr. van den Berg stated he feels it is a good idea, but has Mr. Horan thought about whether it is unfair that only the BCC and no Constitutional Officers can move a charter amendment forward.

Upon inquiry by Mr. Horan, Mr. van den Berg advised he is not suggesting imposing a public hearing requirement even in the years the CRC has not convened.

Mr. Horan stated the CRC always convenes in a year when there is a General Election and they start the year before that, but the BCC can propose an amendment at a General Election.

Mr. Maloy stated he feels it gets confusing going to the public and saying that it occurs in one cycle and not in another one. Discussion ensued relative to the checks and balance issue.

Chairman Tucker stated he believes they have three methods of amending the Charter. He stated he feels that if the BCC has a checks and balance issue and if they want to use it that way

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that is their prerogative, but it still has to be passed by the people. He added he doesn't think all three methods should be the same, therefore, he will be voting against the motion.

Upon inquiry by Mr. Lovestrand, Mr. Horan advised he does not know if the city of Winter Springs has the same requirement on their charter.

A **roll call vote on the motion** was taken with Mr. Horan, Mr. McMullen, Ms. Dietz, and Mr. van den Berg voting AYE. Mr. Miller, Ms. Johnson, Mr. Lovestrand, Mr. Tucker, Mr. Boyko, Mr. Maloy, Ms. Hammontree, and Mr. Triplett voted NAY, whereupon the **motion failed** for lack of a majority vote.

Chairman Tucker recessed the meeting at 8:17 p.m., reconvening it at 8:21 p.m., with all members present.

RESTRICTIONS ON LOBBYING

Mr. Maloy reviewed the proposed amendment for Lobbyist Registration and Reporting (received and filed). He stated he reviewed a couple other charter amendments that had very simple wording and incorporated some of the wording, such as the effective date and wrapped it up into one sentence. He read the proposed amendment into the Record.

Motion by Mr. Maloy, seconded by Mr. McMullen to approve the wording as proposed for the Lobbyist Registration and Reporting.

Under discussion, Mr. van den Berg stated this is essentially what Orange County has and he doesn't think it has done anyone any good as it creates a lot of paper work and expense. It doesn't change what a lobbyist does or how much they get paid. He stated he feels that if they are going to enact something, it should have an objective and he does not see that.

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Mr. Horan stated what he likes about this is the flexibility that was put into it. He believes the whole issue is whether they address lobbyist registration at all. If they are going to address it in a particular way, basically by trying to pass the ordinance, he would definitely be against this, but this gives it some flexibility.

Upon inquiry by Mr. Horan, Mr. Maloy stated the words "timely registration" were in the previous ordinance and his intention was if someone is going to lobby on behalf of a development, they need to file all the papers prior to it becoming a public hearing item.

Mr. Horan stated what if they define lobbyist as someone who isn't getting compensation.

Mr. Maloy stated his basic intention was people were always being paid by a third party. He stated since there were a lot of debates of what is a lobbyist, there are plenty of definitions for the BCC to review and decide which one they want to use. Everyone has the right to speak, but his intention is if people are hired to work on issues then that should be disclosed.

Attorney Yurko stated if there is a consensus to move, she would recommend defining lobbyist as it can mean a lot of different things.

Mr. Lovestrand recommended inserting the word "paid lobbyist".

Attorney Yurko stated that would be helpful.

Mr. van den Berg stated he believes what the CRC has done to this point is honest and honorable and they are trying to do something that is positive and beneficial to the administration

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of government. However, he believes this appears to be disingenuous.

Mr. Horan stated if you are a lawyer and running for public office you have to register as a lobbyist. He stated he agrees that this has done nothing to move the ball down the field in Orange County.

Chairman Tucker stated he feels the intent is perceived by the public as being a problem. He stated he feels it is a problem and he doesn't know how to resolve it.

Mr. Maloy stated he would like the disclosure aspect of it and he would consider the word "paid" in front of lobbyist on the third line for clarification.

Mr. McMullen **agreed** with adding the word "paid".

Upon inquiry by Mr. Lovestrand, Mr. Maloy advised he doesn't believe the general public knew that there was a lot of lobbying going on during the courthouse issue. Discussion ensued.

A **roll call vote on the motion** was taken with Mr. McMullen, Mr. Lovestrand and Mr. Maloy voting AYE. Mr. Horan, Ms. Dietz, Mr. Miller, Ms. Johnson, Mr. van den Berg, Mr. Tucker, Mr. Boyko, Ms. Hammontree and Mr. Triplett voted NAY, whereupon the **motion failed** for lack of a majority vote.

**LOCAL VOTER CONTROL OVER VACANCIES
OF SEMINOLE COUNTY ELECTED OFFICES**

Mr. Maloy reviewed the amendment relating to Local Voter Control over Vacancies of Seminole County Elected Offices. He stated he took the model from the Brevard County charter which addresses filling vacancies. If there is a vacancy in the offices of a County Commissioner or Constitutional Officer, the Governor would then appoint a replacement. Since Seminole County has the local control over their own county, then they

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should have the ability to vote when there are vacancies in offices. Brevard County had in their provision that it would be a year before an election and he changed it to nine months. He stated a special election shall be held if there is a vacancy at the county charter level. He added 30 days is required for the people to file to run for that office and another 30 days between the runoff and final election.

Attorney Yurko stated she reviewed this briefly and this is a pretty squirrely issue. This was addressed in Orange County and they see this as a term being defined in Chapter 114, State Constitution. She read Article IV, Section 1; Section 5, and Article 10, Section 3 into the Record. She stated Article 8 refers to a Constitutional Officer as a County officer. The reason it is squirrely is there is a provision in Section 125.83 that says the County Charter shall define vacancy in office and provide methods for filling the vacancy. Seminole County's Charter defines vacancy in the office of a County Commissioner shall be defined and filled as provided by general law. She said the Constitution states that if there is a vacancy then the Governor fills it. Chapter 125 indicates that the Charter has to say how it is done and the Charter refers back to the Constitution. She added she is not sure that they need to put this in as it seems like it is addressed. She said she is not sure it is consistent with the State Statute and Constitutional law and she would like more time to review it.

Upon inquiry by Mr. Horan, Mr. Maloy advised there were instances in Seminole County when a commissioner passed away and the Supervisor of Elections resigned.

Mr. Maloy explained to Mr. Horan how this will make things better.

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Mr. van den Berg stated he feels this is a great idea, but he just questions whether they are at a point in the process where they can do this.

Mr. Lovestrand stated he is in favor of taking it out of the Governor's hands because of the way the process works.

Upon inquiry by Mr. Miller, Mr. Maloy advised the cost of running a special election is something they need to ask the Supervisor of Elections.

Mr. Horan stated he agrees that if they are going to have someone appointed, there will be problems going through machine politics. The trend is to try to get out of that.

Attorney Yurko stated the language says "if 270 days or less remains in the term of office, it is filled by the appointment of the Governor." Then, it says "unless otherwise required by the State Constitution or general law, if more than 270 days remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election". She stated she feels the sections of the Constitution seem to make that mandatory as well.

Mr. Fisher left the meeting at this time.

Attorney Yurko stated she is not sure if this does anything because the State Constitution and general law suggest that if you have more than nine months remaining in office, it has to be filled by the Governor.

Mr. Fisher reentered the meeting at this time.

Motion by Mr. Maloy, seconded by Mr. Lovestrand to approve the proposed concept for the Local Voter Control over Vacancies of Seminole County Elected Offices, and allow him to work with the Attorney to explore this further.

Bob Lewis left the meeting at this time.

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Attorney Yurko stated the general law says that the County Charter shall define vacancies and provide methods for filling such vacancies.

Mr. Maloy stated he feels they should check with Brevard County's charter.

A roll call vote on the motion was taken with Mr. McMullen, Mr. Miller, Ms. Johnson, Mr. Lovestrand, Mr. van den Berg, Mr. Boyko and Mr. Maloy voting AYE. Mr. Horan, Ms. Dietz, Mr. Tucker, Ms. Hammontree and Mr. Triplett voted NAY.

**VOTER APPROVAL REQUIRED FOR
ANY INCREASE TO UTILITY TAX**

Mr. Maloy reviewed the Utility Tax increase issue as submitted in the handout (received and filed). He stated it is a cap on the growth of government to where excess revenues would be put aside for a rainy day fund and any revenues above that would be returned back to the taxpayers. He stated a constitutional county does not have the right to implement a utility tax. Columbia County placed a provision in their charter that they could not implement a utility tax. The cost of utilities has constantly been going up. This is one tax in which the County Manager would often propose an increase. Seminole County currently has 4% and he thought it would be a good idea to see if the voters would be interested in that. He recommended the following proposed wording from Columbia County, "The Board of County Commissioners shall not have the power currently granted by law to municipalities to increase the utility tax unless approved by voters by means of public referendum".

Motion by Mr. Maloy, seconded by Mr. van den Berg to approve the proposed wording for Voter Approval Required for any Increase to the Utility Tax.

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Under discussion and upon inquiry by Mr. van den Berg, Mr. Maloy advised the intent is to allow the current level to stay but since utility rates are going up, the same rate is being applied to increasing rates.

Upon inquiry by Mr. Lovestrand, Mr. Maloy advised this would not apply to the cities that have their own.

Chairman Tucker stated there are discussions going on between the cities and County of having an overall County water and sewer service municipality.

Upon inquiry by Mr. Triplett, Mr. Maloy advised when the County became a Charter County, the BCC compromised at 4%. Discussion ensued.

Attorney Yurko stated this is the first time she has seen this; and she would caution the CRC if they want to move forward, she would have to research this further to see if it is consistent with general law. Discussion ensued.

Mr. Horan stated this is an interesting idea, but he feels there are a lot of different legal issues that need to be reviewed.

A roll call vote on the motion was taken with Mr. McMullen, Mr. Lovestrand, Mr. van den Berg, Mr. Boyko and Mr. Maloy voting AYE. Mr. Horan, Ms. Dietz, Mr. Miller, Ms. Johnson, Mr. Tucker, Ms. Hammontree and Mr. Triplett voted NAY, whereupon, the motion failed for lack of a majority vote.

MINUTES

Mr. Maloy stated he has a correction on the May 1, 2006 minutes. He stated he doesn't believe the roll call motion on page 13 is correct for the motion shown on page 12. He said he doesn't believe that this motion passed. He stated he also believes that Mr. Tucker and Mr. van den Berg voted against the

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motion. He added he believes there was an error in duplicating the vote at the bottom of page 13 and the vote at the top of page 13.

Chairman Tucker stated the CRC will not accept these minutes and the Clerk's office will review and correct them.

Motion by Mr. van den Berg, seconded by Ms. Johnson to approve the Sub-committee minutes dated May 3, 2006.

Chairman Tucker stated the minutes are approved as circulated.

Mr. van den Berg stated there may some litigation over some of the amendments and he would like to know if it would be appropriate to have the County Attorney, Mr. McMillan, to review the CRC's work product to see if he sees any need to clarify.

Mr. Horan stated the County Attorney would be someone who might be likely to challenge.

Mr. van den Berg asked if it would be a good idea to talk to the State Attorney about having him enforce the ethics provision.

Attorney Yurko stated she has been trying to reach him but has been unable to do so.

Mr. van den Berg recommended sending him a letter with the Chairman's signature as they are at the point where this is in a process of being seriously considered.

The **consensus** of the CRC was to authorize the CRC Attorney to draft a letter to the State Attorney for the Chairman to execute relative to the ethics issue.

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Mr. van den Berg asked if it is possible to define lobbyist and then prohibit lobbyists from donating "X" amount of money to a political campaign.

Chairman Tucker stated he believes the CRC agreed that something needs to be done, but what to do is the question.

Mr. Triplett stated there were seven to five yes votes on Local Voter Control over Vacancies to change the wording or investigate.

Upon inquiry by Mr. Triplett, Chairman Tucker advised this issue will be reviewed after the public hearing on May 30.

Mr. Miller recommended having a 15-minute meeting before the public hearing on May 30.

Ms. Hammontree stated they can have a public meeting at 6:30 p.m., and the public hearing at 7:00 p.m.

Mr. Horan stated they can convene the public meeting at 6:30 p.m. in the BCC Chambers and convene the public hearing at 7:00 p.m. and then close it and continue the public meeting again.

Mr. Fisher stated if the CRC brings this up they will have to have a fourth public hearing because it will not be advertised.

Motion by Mr. Miller, seconded by Mr. van den Berg to reconsider the previous motion regarding Local Voter Control over Vacancies.

Under discussion, Mr. Maloy stated he doesn't see a problem meeting before the public hearing if necessary; but if the CRC votes it down, then there will be no need for a fourth public hearing.

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Mr. Miller stated he requested to reconsider this motion for three reasons. One is the attorney said that the way it was written the Governor was going to make the appointments anyway. The second reason is there is a cost to do a special election and the third reason is a special election results in a 10% turn out. Given those facts, it doesn't seem worthwhile to carry over any further.

A roll call vote on the motion to reconsider was taken with Mr. Horan, Ms. Dietz, Mr. Miller, Mr. Tucker, Ms. Hammontree and Mr. Triplett voting AYE. Mr. McMullen, Ms. Johnson, Mr. Lovestrand, Mr. van den Berg, Mr. Boyko and Mr. Maloy voted NAY, whereupon the motion failed for lack of a majority vote.

Chairman Tucker asked if the CRC wanted to have another meeting before May 30 or do they anticipate a fourth public hearing.

Attorney Yurko suggested that if the CRC had a public meeting before the May 30 public hearing and decide they do not want to move forward with that, they will still have three public hearings.

Mr. van den Berg asked if the Chairman would consider an arrangement in which counsel would advise the CRC in the next several days, if this measure is ineffectual that the Constitution mandates the Governor makes the appointment, then they would cancel the meeting.

Attorney Yurko recommended that she draft this amendment the way Brevard County did. She stated whether or not it means anything, they can sort that out throughout the public hearing and that would avoid a fourth public hearing.

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It was the **consensus** of the CRC to authorize the attorney to include that with the rest of the amendments for the May 30 public hearing.

There being no further business to come before the Commission at this time, Chairman Tucker adjourned the meeting at 9:34 p.m., this same date.